

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1495 OF 2017
IN
WRIT PETITION NO. 12413 OF 2015**

Bhose Paschim Bhag Sarva Seva Sahakari Society Ltd. ..Vs.. Shri
Tukaram Daynu Jadhav & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. Manoj A. Patil for Applicant.
Mr. R. A. Naik I/by. Umesh Mankapure for
Respondent Nos.1 and 6.

**CORAM : K. K. TATED, J.
DATE : JULY 10, 2017.**

P.C. :

- . Heard learned Counsel for parties.
2. This application is for carrying out appropriate amendment in cause title of Writ Petition No. 12413 of 2015 on the basis of trial court's Judgment.
3. The learned Counsel for Applicant submit that inadvertently it remained on their part to show the legal heirs of Respondent Nos. 4 and 5 as shown in trial court's order. He further submit that Respondent No. 3A was deleted from the cause title in trial court

itself. Hence, the Applicant preferred present Civil Application.

4. Considering the submission made by the learned Counsel for Applicant and the averments made in Civil Application, I am satisfied that Applicant has made out the case for allowing this Civil Application. Hence, the following order.

ORDER

Civil Application is allowed in terms of prayer clause (a) and (b) which read thus :

“(a) This Hon'ble Court be pleased to allow the present Civil Application and permit the Applicant to bring the legal heirs of deceased Respondent Nos. 4 and 5 on record, who were already party respondents in Appeal No. 34 of 2011, filed by the Applicant society, before the Hon'ble Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Pune.

(b) This Hon'ble Court be pleased to permit the Applicant to delete the Respondent No. 3-a from the proceedings of above writ petition, as the respondent no.3-a was already deleted into the proceedings of Appeal No. 34 of 2011, filed by the Applicant society, before the Hon'ble Maharashtra State Co-operative Appellate Court, Mumbai, Bench at Pune.”

(c) An amendment to be carried out within three weeks from today, failing which, Civil Application shall stand dismissed without reference back to the Court.

(d) If amendment is carried out within stipulated time as stated above, office is directed to issue notice to the added Respondents returnable after 10 weeks.

(e) In addition to usual mode of service, Applicant is permitted to serve the added Respondents by private notice along with copy of proceedings either by Registered Post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

(f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)